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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91224149 |
| Party | Defendant ConAgra Foods Lamb Weston, Inc. |
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| Signature | /Michelle Alvey/ |
| Date | 09/06/2016 |
| Attachments | SUREFIRED_ANSWER.pdf(112403 bytes) |

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on September 6, 2016.

/Michelle Alvey/

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial No. 86510585

| | | |
|----------------------------|---|-------------------------|
| SHURFINE FOODS, INC., |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91224149 |
| |) | |
| CONAGRA FOODS LAMB WESTON, |) | |
| INC. |) | |
| |) | |
| Applicant. |) | |

ANSWER TO NOTICE OF OPPOSITION

COMES NOW ConAgra Foods Lamb Weston, Inc. (“Applicant”) and for its answer to the Notice of Opposition filed by Shurfine Foods, Inc. (“Opposer”) states as follows:

1. Applicant denies that Opposer will be damaged by registration of the mark SUREFIRED that is the subject of Application Serial No. 86510585. Applicant is without knowledge or information sufficient to form a belief as to the remaining allegations set forth in paragraph 1 of the Notice of Opposition and accordingly denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 2 of the Notice of Opposition and accordingly denies the same. Applicant further states that the United States Patent and Trademark

- (“USPTO”) records with respect to the existence and status of any U.S. applications and registrations owned by Opposer speak for themselves.
3. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 3 of the Notice of Opposition and accordingly denies the same. Applicant further states that the USPTO records with respect to the existence and status of any U.S. applications and registrations owned by Opposer speak for themselves.
 4. Applicant denies the allegations in paragraph 4.
 5. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 5 of the Notice of Opposition and accordingly denies the same.
 6. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 6 of the Notice of Opposition and accordingly denies the same.
 7. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 7 of the Notice of Opposition and accordingly denies the same.
 8. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 8 of the Notice of Opposition and accordingly denies the same.
 9. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 9 of the Notice of Opposition and accordingly denies the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 10 of the Notice of Opposition and accordingly denies the same.
11. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 11 of the Notice of Opposition and accordingly denies the same.
12. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 12 of the Notice of Opposition and accordingly denies the same.
13. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 13 of the Notice of Opposition and accordingly denies the same.
14. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 14 of the Notice of Opposition and accordingly denies the same.
15. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 15 of the Notice of Opposition and accordingly denies the same.
16. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 16 of the Notice of Opposition and accordingly denies the same.
17. Applicant denies the allegations in paragraph 17.

18. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 18 of the Notice of Opposition and accordingly denies the same. Applicant further states that the USPTO records with respect to the existence and status of any U.S. applications and registrations owned by Opposer speak for themselves.
19. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 19 of the Notice of Opposition and accordingly denies the same.
20. Applicant denies the allegations in paragraph 20 of the Notice of Opposition.
21. Applicant denies the allegations in paragraph 21 of the Notice of Opposition

FURTHER ANSWER AND AFFIRMATIVE DEFENSES

1. For further answer, and as an affirmative defense, Applicant states that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.
2. For further answer, and as an affirmative defense, Applicant states that there is no likelihood of confusion between Applicant's mark shown in the Application and any mark Opposer has placed in issue in this matter for various reasons including, without limitation, the existence of relevant third party marks for similar goods and services.
3. For further answer, and as an affirmative defense, Applicant states Opposer's Notice of Opposition is barred, in whole or in part, by the equitable doctrines of waiver, unclean hands, and/or estoppel.
4. For further answer, and as an affirmative defense, Applicant states the marks Opposer has placed in issue are of limited scope and strength. As such, neither Opposer nor its marks will be harmed by the registration of Applicant's mark.

5. For further answer, Applicant states that its discovery and investigation continues and, accordingly, Applicant reserves the right to assert additional defenses or potential counterclaims as they become known.

WHEREFORE, Applicant prays that the Board dismiss Opposer' s Notice of Opposition with prejudice, that the Board enter judgment in favor of Applicant and against Opposer, and for such other relief as the Board deems just and proper.

Respectfully submitted,

HUSCH BLACKWELL LLP

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Attorneys for Applicant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served via first class mail, postage prepaid, on this 6th day of September, 2016 upon:

Counsel of Record:

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With a copy to:

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/Michelle Alvey/